

## **MINUTES**

### ***IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY***

**JULY 16, 2008**

**Council Chambers  
825 Imperial Beach Boulevard  
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.  
REGULAR MEETING – 6:00 P.M.***

#### **CLOSED SESSION MEETING CALL TO ORDER**

MAYOR JANNEY called the Closed Session Meeting to order at 5:30 p.m.

#### **ROLL CALL**

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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#### **CLOSED SESSION**

**MOTION BY MCCOY, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:**

##### **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 776 10<sup>th</sup> Street, Imperial Beach, CA 91932, APN 626-282-13

Agency Negotiator: City Manager

Negotiating Parties: Andy & Catherine Borgia

Under Negotiation: Instruction to Negotiator will concern price and terms of payment

##### **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a)

Name of Case: Nadine G. Braudaway vs. City of Imperial Beach

Case No. 37-2007-00076449-CU-EI-SC

#### **MOTION CARRIED UNANIMOUSLY.**

MAYOR JANNEY adjourned the meeting to Closed Session at 5:31 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction, and had nothing to report.

## **REGULAR MEETING CALL TO ORDER**

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

## **ROLL CALL**

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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## **PLEDGE OF ALLEGIANCE**

MAYOR JANNEY led everyone in the Pledge of Allegiance.

## **AGENDA CHANGES**

**MOTION BY MCLEAN, SECOND BY MCCOY, TO MOVE ITEM NO. 6.5 – RESOLUTION NO. 2008-6657 – AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE DATE AVENUE STREET END TO THE END OF THE AGENDA. MOTION CARRIED UNANIMOUSLY.**

## **MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE & COMMUNITY ANNOUNCEMENTS**

COUNCILMEMBER MCLEAN spoke about his recent trip to Iowa; he attended the Employee Appreciation Luncheon, hosted by the Kiwanis Club; he announced the recent passing of former Mar Vista High School Student James Trevor, a Green Beret who passed away in Afghanistan; and he announced that he would be presenting a resolution to City Council supporting the construction of a tennis court at Mar Vista High School.

COUNCILMEMBER MCCOY spoke about the incident in Columbia involving Ingrid Betancourt and how lucky we are in the United States where we can speak freely without retribution.

MAYOR JANNEY thanked City staff and the Sheriff's Dept. for their efforts on the successful Sandcastle event.

## **COMMUNICATIONS FROM CITY STAFF**

None.

## **PUBLIC COMMENT**

JOHN HANKS presented a portfolio to City Council showcasing the surfboards he collected and offered them to the City for a Surfboard museum.

MAYOR JANNEY responded that he would contact Mr. Hanks regarding his offer to the City.

MARK BECKET complained about minors who are drinking, loitering, and painting graffiti at the business located on the corner of Daisy Avenue and Seacoast Drive.

MAYOR JANNEY responded he and the City Manager met with the property owner a few months prior regarding similar issues of concern; he noted that the problems are occurring on private property and some of the responsibility falls upon the owner; and he referred the matter to staff.

ALBERT KNECHT complained about unfinished cement work in front of his house; he requested that the matter be presented to City Council for consideration on the next agenda and he submitted photos for the record (additional speaker slips submitted by JACK FISHER, JONA KNECHT, CHUCK MACHAK, and BONNIE PETERSON).

MAYOR JANNEY responded that he would have a discussion with the City Attorney regarding the matter.

### **PRESENTATIONS (1.1 - 1.3)**

#### **1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)**

MAYOR JANNEY presented the Recycle All-Star Award Certificate and used oil-recycling premiums to Jill Jongeward.

MARCO TOPETE, of EDCO, presented the \$100.00 check to Ms. Jongeward.

#### **1.2 PRESENTATION ON VISUAL SIMULATIONS OF PALM AVENUE AND OLD PALM AVENUE BY SUSAN B. BALDWIN, SENIOR REGIONAL PLANNER, SANDAG. (0140-40)**

SUSAN BALDWIN, of SANDAG, gave a PowerPoint presentation on visual simulations of Palm Avenue and Old Palm Avenue.

#### **1.3 PRESENTATION ON SAN DIEGO COUNTY'S LOCAL BANKING INITIATIVE AND AN UPDATE ON PROPERTY TAXES BY DAN MCALLISTER, SAN DIEGO COUNTY TREASURER-TAX COLLECTOR. (0150-30)**

DAN MCALLISTER, of the County of San Diego, provided copies of the current tax bill and gave a presentation on the County's local banking initiative and an update on property taxes.

**MOTION BY MCLEAN, SECOND BY WINTER, TO TAKE ITEM NO. 6.7 – PROPOSED COLOR CHANGE/PAINTING OF BEACH LIFEGUARD TOWERS AND STREET END AND PIER STRUCTURES COLOR PALETTE CONCEPT BEFORE THE CONSENT CALENDAR. MOTION CARRIED UNANIMOUSLY.**

**6.7 PROPOSED COLOR CHANGE/PAINTING OF BEACH LIFEGUARD TOWERS AND STREET END AND PIER STRUCTURES COLOR PALETTE CONCEPT. (0150-70 & 0910-40)**

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on renderings of the lifeguard towers in the proposed color palette with the addition of emblems from the Port's new marketing campaign; he noted that the color palette presented replicates of the same colors from Pier Plaza; he also reported on concerns of the Public Safety Department, including: the need to have the towers readily identifiable and the writing on the towers more readable; comfort of the lifeguards (some colors will attract/absorb heat more than others); and the colors should be painted appropriately and professionally (ideally during the manufacturing process); he recommended working together with the Port on alternative colors that protect against undue heat yet still achieve the Port's objective; he also provided a sample color of arctic white, a low heat generating color suggested by the Public Safety Department; and he reported that the Tidelands Advisory Committee supported the general idea of adding color to the street ends.

PORT COMMISSIONER BIXLER spoke in support of improving the appearance and vibrancy of the street ends and lifeguard towers by adding color.

Council discussion ensued regarding the average temperature within the lifeguard towers; concerns raised regarding dark colors on the roof and deck resulting in increased temperatures within the towers; adding the word "please" before "keep off"; have verbal lifeguard warnings also announced in Spanish; the possibility of having advertising on the lifeguard towers; the street ends and lifeguard towers should be of the same theme; and concerns raised regarding costs for paint and maintenance.

Consensus of City Council to have City staff and Port staff work together on a color palette that addresses concerns raised then have the item return to Council for a workshop discussion.

MAYOR JANNEY suggested that staff look into advertising on the lifeguard towers.

**CONSENT CALENDAR (2.1 - 2.5)**

**MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.5. MOTION CARRIED UNANIMOUSLY.**

**2.1 MINUTES.**

Approved the minutes of the Regular City Council Meeting of June 18, 2008.

**2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)**

Ratified the following registers: Accounts Payable Numbers 66543 through 66712 with the subtotal amount of \$825,635.40; and Payroll Checks 39736 through 39784 for the pay period ending 06/05/08 with the subtotal amount of \$147,270.41 and Payroll Checks 39785 through 39855 for the pay period ending 06/19/08 with the subtotal amount of \$181,543.98; for a total amount of \$1,154,449.79.

- 2.3 RESOLUTION NO. 2008-6656 – PROFESSIONAL SERVICES AGREEMENT WITH MME EVENT PRODUCTIONS, INC. (MME) FOR PLANNING OF CITY CONCERT EVENT AND RESOLUTION NO. 2008-6658 – APPROVING AN AGREEMENT WITH THE SAN DIEGO UNIFIED PORT DISTRICT FOR FINANCIAL ASSISTANCE FOR THE 2008 ANNUAL CONCERT EVENT. (0150-70 & 1040-10)**  
Adopted resolutions.
- 2.4 RATIFICATION OF A LETTER OF SUPPORT FOR SENATE BILL 1685 (KEHOE) – REGIONAL COMPREHENSIVE PLAN: SAN DIEGO COUNTY. (0460-20)**  
Ratified letter of support for SB 1685.
- 2.5 RESOLUTION NO. 2008-6654 – AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF IMPERIAL BEACH AND SWEETWATER UNION HIGH SCHOOL DISTRICT FOR SERVICES OF A SPECIAL PURPOSE SCHOOL RESOURCE OFFICER. (0260-45 & 1010-20)**  
Adopted resolution.

**ITEMS PULLED FROM THE CONSENT CALENDAR**

None.

**ORDINANCES – INTRODUCTION/FIRST READING (3.1)**

- 3.1 ORDINANCE NO. 2008-1073 – AMENDING CHAPTER 2.12 (CITY COUNCIL PROCEDURES). (0410-95)**

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LOUGH announced that an amended Staff Report and Exhibit A were submitted as Last Minute Agenda Information and he reviewed the proposed changes in detail.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1073.

CITY CLERK HALD read the title of Ordinance No. 2008-1073, an Ordinance of the City Council of the City of Imperial Beach, California, amending Chapter 2.12 of the Imperial Beach Municipal Code (City Council Procedures) to make technical and clarifying changes.

**MOTION BY WINTER, SECOND BY MCLEAN, TO DISPENSE THE FIRST READING OF ORDINANCE NO. 2008-1073, SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING, AND AUTHORIZE THE PUBLICATION OF THE ORDINANCE IN A NEWSPAPER OF GENERAL CIRCULATION. MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES – SECOND READING & ADOPTION (4.1 - 4.2)**

**4.1 ORDINANCE NO. 2008-1071 – REPEALING CHAPTER 9.28 KNOWN AS THE “LOITERING ORDINANCE” AND ADDING CHAPTER 9.28 NOW KNOWN AS THE “OBSTRUCTING FREE MOVEMENT ORDINANCE.” (0240-27)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1071.

CITY CLERK HALD read the title of Ordinance No. 2008-1071, an Ordinance of the City Council of the City of Imperial Beach, California, repealing Chapter 9.28 known as the “Loitering Ordinance” and Sections 9.28.010 and 9.28.020 of Chapter 9.28 and adding Chapter 9.28 now known as the “Obstructing Free Movement Ordinance” with the Chapter and Section numbers to remain the same.

**MOTION BY WINTER, SECOND BY MCLEAN, TO DISPENSE THE SECOND READING AND ADOPT ORDINANCE NO. 2008-1071 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**4.2 ORDINANCE 2008-1072 – AMENDING SECTION 9.04.035 OF THE IMPERIAL BEACH MUNICIPAL CODE RELATING TO CONSUMPTION OF ALCOHOL ON THE MUNICIPAL PIER. (0240-07 & 0220-45)**

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2008-1072.

CITY CLERK HALD read the title of Ordinance No. 2008-1072, an Ordinance of the City Council of the City of Imperial Beach, California, amending Section 9.04.035 of the Imperial Beach Municipal Code relating to consumption of alcohol on the Municipal Pier.

**MOTION BY WINTER, SECOND BY MCLEAN, TO DISPENSE THE SECOND READING AND ADOPT ORDINANCE NO. 2008-1072 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.**

**PUBLIC HEARINGS (5)**

None.

**REPORTS (6.1 - 6.6)**

Item No. 6.2 was taken at this time.

**6.2 PROPOSED EXCLUSIVE NEGOTIATION AGREEMENT FOR THE REDEVELOPMENT OF SITES LOCATED ON THE SOUTH SIDE OF STATE ROUTE (“SR”) 75/PALM AVENUE AND BETWEEN DELAWARE AND 7<sup>TH</sup> STREETS. (0640-20)**

CITY MANAGER BROWN reported that Sterling Development decided not to pursue an Exclusive Negotiation Agreement with the RDA.

Item No. 6.6 was taken at this time.

**6.6 ECO-BIKEWAY 7<sup>TH</sup> & SEACOAST CIP PROJECT (S05-104); BUDGET CORRECTION. (0680-20 & 0750-90)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the need for a budget correction.

**MOTION BY MCCOY, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-08-156, APPROVING ECO-BIKEWAY 7<sup>TH</sup> & SEACOAST CIP PROJECT (S05-104); BUDGET CORRECTION. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>WINTER, MCLEAN, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>

**6.1 UPDATE ON THE FINANCIAL STATUS OF THE CITY'S GENERAL FUND. (0330-30)**

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on an update of the financial status of the General Fund as of June 1, 2008; he reported that revenues are projected to be less than budgeted and that expenditures are within budget; regarding a 5 Year projection, he reported that assuming costs and fees/charges will grow with inflation and tax revenue growth will be less than inflation, tax revenues will not be sufficient to keep up with inflationary increases in expenditures and an operating deficit will appear after two years; if the growth rate is similar to prior years then there would be a balanced budget at current service levels; he noted that State budget impacts could exacerbate the problem.

MAYOR JANNEY requested that in the future, cities with smaller property values be included in the comparison.

COUNCILMEMBER WINTER requested staff obtain information from the County Assessor regarding the process for reassessment; she expressed concern about a reassessment of the City and the potential impacts to the City.

**6.3 UTILITY UNDERGROUND PROJECT REPORT. (0810-20)**

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint on the item.

Consensus of City Council to proceed with placing utilities underground on Elm Avenue between 3<sup>rd</sup> Street to 7<sup>th</sup> Street and on 7<sup>th</sup> Street between Palm Avenue and Elm Avenue.

**6.4 NEIGHBORHOOD REVITALIZATION – CLEAN AND GREEN PROGRAM. (0640-20)**

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a PowerPoint presentation on projects completed and currently underway; he reviewed the progress of the program; he announced a workshop on solar energy and photovoltaic systems will be held on September 10.

**6.5 RESOLUTION NO. 2008-6657 – AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING FOR THE PREPARATION OF CONSTRUCTION DRAWINGS FOR THE DATE AVENUE STREET END. (0720-25)**

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER BRAGG announced she had a potential conflict of interest as her place of employment is within 500 feet of the project, and she left Council Chambers at 9:12 p.m.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a report on the item.

**MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6657, AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH NASLAND ENGINEERING TO PREPARE CONSTRUCTION DRAWINGS FOR THE IMPROVEMENT OF THE DATE AVENUE STREET END. MOTION CARRIED BY THE FOLLOWING VOTE:**

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>	<b>WINTER, MCLEAN, MCCOY, JANNEY</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>	<b>NONE</b>
<b>DISQUALIFIED:</b>	<b>COUNCILMEMBERS:</b>	<b>BRAGG (DUE TO POTENTIAL CONFLICTS OF INTEREST)</b>

COMMUNITY DEVELOPMENT DIRECTOR WADE noted that demolition is scheduled for fall of this year.

**MAYOR/COUNCIL REPORTS ON ASSIGNMENTS AND COMMITTEES**

None.

**ADJOURNMENT**

MAYOR JANNEY adjourned the meeting at 9:18 p.m.

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James C. Janney, Mayor

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Jacqueline M. Hald, CMC  
City Clerk